

# SENATE BILL 7

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SB 854/11 – EHE

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By: **Senator Ferguson**  
Introduced and read first time: October 17, 2011  
Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Board of Liquor License Commissioners – Transfer of**  
3 **License**

4 FOR the purpose of altering a prohibition against the Board of Liquor License  
5 Commissioners for Baltimore City issuing an alcoholic beverages license or  
6 transferring a license into certain locations in Baltimore City by authorizing the  
7 Board to allow the transfer of a certain license into a certain development in a  
8 certain location in accordance with a certain local ordinance; and generally  
9 relating to the issuance of alcoholic beverages licenses in Baltimore City.

10 BY repealing and reenacting, with amendments,  
11 Article 2B – Alcoholic Beverages  
12 Section 9–204.1(f)  
13 Annotated Code of Maryland  
14 (2011 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article 2B – Alcoholic Beverages**

18 9–204.1.

19 (f) (1) This subsection applies only in the 46th alcoholic beverages  
20 district.

21 (2) Notwithstanding § 6–201(d)(1)(vii) of this article, the Board may  
22 issue a Class B beer, wine and liquor license:

23 (i) For a restaurant in ward 26, precinct 8, if the restaurant has  
24 a minimum capital investment of \$700,000, a seating capacity exceeding 150 persons,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 and average daily receipts from the sale of food that are at least 65% of the total daily  
2 receipts of the restaurant;

3 (ii) For a restaurant in ward 4, precinct 1 or ward 22, precinct 1,  
4 if the restaurant has a minimum capital investment of \$700,000, a seating capacity  
5 that exceeds 75 persons, average daily receipts for the sale of food that are at least  
6 65% of the total daily receipts of the restaurant, and no sales for off-premises  
7 consumption;

8 (iii) For not more than three restaurants in a residential planned  
9 unit development for Silo Point as approved by the Mayor and City Council of  
10 Baltimore City in Ordinance 04-697 on June 23, 2004, if the restaurant has a  
11 minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons,  
12 average daily receipts from the sale of food that are at least 65% of the total daily  
13 receipts of the restaurant, and no sales for off-premises consumption; and

14 (iv) For not more than three restaurants in a business planned  
15 unit development in ward 24, precinct 5 of the 46th alcoholic beverages district, which  
16 at all times shall be coterminous with the 46th Legislative District in the Legislative  
17 Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21,  
18 2002, if each restaurant has a minimum capital investment of \$700,000, a seating  
19 capacity that exceeds 75 persons but is not more than 150 persons, average daily  
20 receipts from the sale of food that are at least 65% of the total daily receipts of the  
21 restaurant, and no sales for off-premises consumption.

22 (3) (I) [The] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**  
23 **THIS PARAGRAPH, THE** Board may not issue an alcoholic beverages license or  
24 transfer a license into ward 1, precincts 4 and 5 [or], ward 23, precinct 1, or ward 24,  
25 precinct 5.

26 (II) **THE BOARD MAY ALLOW THE TRANSFER OF ONE CLASS**  
27 **D LICENSE INTO THE RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR SILO**  
28 **POINT LOCATED IN WARD 24, PRECINCT 5 WHICH WAS ENACTED BY THE MAYOR**  
29 **AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 04-697 ON JUNE 23,**  
30 **2004, PROVIDED THAT THE CLASS D LICENSE HOLDER OPERATES THE**  
31 **ESTABLISHMENT IN ACCORDANCE WITH THE PROVISIONS OF ORDINANCE**  
32 **04-697.**

33 (4) Notwithstanding any other provision of law, a new Class B beer,  
34 wine and liquor license may not be transferred to another location or downgraded  
35 within the 46th alcoholic beverages district.

36 (5) A new Class B licensed restaurant must have average daily  
37 receipts from the sale of food that are at least 51% of the total daily receipts of the  
38 restaurant.

1                   (6)   (i)    Except as provided in subparagraph (ii) of this paragraph,  
2 the Board may not transfer or issue a license if the transfer or issuance would result  
3 in:

4                               1.    The licensed premises being located within 300 feet of  
5 the nearest point of a church or a school; or

6                               2.    The licensed premises being located closer to the  
7 nearest point of a church or a school than the licensed premises was on June 1, 2004.

8                   (ii)   This paragraph does not apply to a licensed restaurant in:

9                               1.    Ward 4, precinct 1;

10                              2.    Ward 22, precinct 1; or

11                              3.    A residential planned unit development for Silo Point  
12 as approved by the Mayor and City Council of Baltimore City in Ordinance 04-697 on  
13 June 23, 2004.

14                   (7)   (i)    Except as provided in subparagraph (ii) of this paragraph, a  
15 license for the sale of alcoholic beverages may not be transferred into, or transferred to  
16 a different location within, the following areas:

17                              1.    Ward 1, precincts 2 and 3;

18                              2.    Ward 2 in its entirety;

19                              3.    Ward 3, precinct 3; and

20                              4.    Ward 26, precincts 3 and 10.

21                   (ii)   This paragraph does not apply to an application for a new  
22 license or a transfer from within the areas described in subparagraph (i) of this  
23 paragraph if the new license or transfer is for:

24                              1.    A hotel;

25                              2.    An establishment located in a planned unit  
26 development if the application for the planned unit development was filed or approved  
27 before December 31, 1995;

28                              3.    An establishment located in an area governed by the  
29 Inner Harbor East Urban Renewal Plan; or

